

**CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
OCTOBER 5, 2004  
MINUTES**

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| CALL TO ORDER  | A.    | <p>Mayor Klimetz called the regular Common Council meeting of October 5, 2004 to order at 6:30 p.m. in the Council Chambers of Franklin City Hall, 9229 W. Loomis Road, Franklin, Wisconsin.</p> <p>Present were: Mayor Klimetz, Aldermen Olson, Solomon, Gardner, Kosovich, Sohns and Bergmann. Also present were City Engineer Bennett, Fire Chief Martins, Street Supt. Schaefer, Finance Officer/Treasurer Patterson, Dir. of Admin. Petre, City Attorney Wesolowski and City Clerk Wesolowski.</p> |
| CERTIFICATE  |       | <p>Mayor Klimetz presented Del Sievert with a Certificate of Recognition. Jerry Young, Chairman of the Board of Public Works, also thanked Del Sievert for his service on Board of Public Works.</p>  |
| COMMENDATION   |       | <p>Mayor Klimetz read a commendation for Charles J. Porter, Eagle Scout.</p>  |
| HEARINGS   | B-1.  | <p>The public hearing regarding vacating a portion of S. 43<sup>rd</sup> Street adjacent to Lots 1 thru 7, Block 17 Franklin Estates Addition No. 2 and Lots 7 thru 9, Block 7 of Franklin Estates was opened at 6:40 p.m. and closed at 7:10 p.m. (See Item E-1.)</p>  |
| CITIZEN<br>COMMENT                                     | C.    | <p>Citizen comment period was opened at 7:10 p.m. and closed at 8:00 p.m.</p>   |
| THANK YOU<br>LETTER                                    | D-1.  | <p>Mayor Klimetz read a thank you letter from the City of Cudahy for mutual assistance by Franklin Fire Department on 8/17/04.</p>  |
| RES. 2004-5749<br>STREET<br>VACATION-S.<br>43RD STREET | E-1.  | <p>Alderman Sohns moved to adopt Resolution No. 2004-5749, A RESOLUTION TO VACATE A PORTION OF SOUTH 43<sup>RD</sup> STREET ADJACENT TO LOTS 1 THRU 7, BLOCK 17 FRANKLIN ESTATES Addition No. 2 AND LOTS 7 THRU 9, BLOCK 7 OF FRANKLIN ESTATES as amended by the City Attorney. Seconded by Alderman Olson. All voted Aye; motion carried. (See Item B-1.)</p>  |
| CONSENT<br>AGENDA                                      |       | <p>Alderman Bergman requested removal of Item E-2 from the consent agenda.</p> <p>Alderman Olson moved to approve the following:</p>  |
| MINUTES-<br>9/21/04                                    | E-2a. | <p>Regular Common Council meeting minutes of September 21, 2004 as presented;</p>   |
| RES. 2004-5769<br>HOLDING TANK-<br>W. RYAN ROAD        | E-2b. | <p>Resolution No. 2004-5769, RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN AGREEMENT WITH ENER-CON COMPANIES LLC FOR THE MAINTENANCE OF A HOLDING TANK AT 3003 WEST RYAN ROAD;</p>   |

CDA DIRECTOR POSITION	E-2c.	Table status of recruitment for the Community Development Director position;
DONATION	E-2d.	Acceptance of a \$50.00 donation from Mary Briscoe for the Franklin Tobacco Control Coalition.
		Above items seconded by Alderman Kosovich. All voted Aye; motion carried.
	E-2c.	No action was taken on the Mayor's status report of recruitment for the Community Development Director position.
AREAS A1 & A2	E-3.	Alderman Solomon moved to table directing the City Attorney and staff to draft the necessary ordinance on the rezoning of 3 parcels south of Areas A1 and A2 as recommended in the Franklin First Report, identified as Tax Key Numbers 754-9999-001, 793-9996-000 and 793-9995-000 (east and west sides of W. Loomis Rd. and south of W. Rawson Ave.) and schedule a Plan Commission public hearing. Seconded by Alderman Sohns. All voted Aye; motion carried.
AREA C- TAX INCREMENTAL FINANCING DISTRICT	E-4.	<p>Alderman Sohns moved to take from table and reconsider action taken on 9/21/04 to table recommendations relative to the establishment of a Tax Incremental Financing District for Area C as recommended by the Community Development Authority (approx. just north of W. Rawson Ave., south of W. Plaza Dr. and S. 27th St. west of S. 35th St.) to the joint closed session meeting between Council and Community Development Authority to be held as soon as practicable. Seconded by Alderman Olson. On roll call, Aldermen Olson, Gardner, Kosovich, Sohns and Bergmann voted Aye; Alderman Solomon voted No. Motion carried.</p> <p>Alderman Olson then withdrew motion to table recommendations relative to the establishment of a Tax Incremental Financing District for Area C as recommended by the Community Development Authority (approx. just north of W. Rawson Ave., south of W. Plaza Dr. and S. 27th St. west to S. 35th St.) to the joint closed session meeting between Council and Community Development Authority to be held as soon as practicable. Alderman Bergman withdrew second.</p> <p>Alderman Bergmann moved to schedule a meeting between the Common Council and the Community Development Authority on the above item, in open session. Seconded by Alderman Olson. Alderman Olson withdrew his second. Alderman Bergmann then withdrew his motion.</p>

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| RES. 2004-5770<br>TID-FRANKLIN<br>BUSINESS CENTER<br>DISTRICT | E-5.  | Alderman Sohns moved to adopt Resolution No. 2004-5770, A RESOLUTION TO AUTHORIZE THE PREPARATION OF BOUNDARIES AND A REDEVELOPMENT AREA PROJECT PLAN FOR THE CREATION OF A REDEVELOPMENT PROJECT AREA AND TO AUTHORIZE THE PREPARATION OF BOUNDARIES AND PROJECT PLAN FOR THE CREATION OF A TAX INCREMENTAL DISTRICT IN THE FRANKLIN BUSINESS CENTER DISTRICT, (area approx. just north of W. Rawson Ave., south of W. Plaza Dr. and S. 27th St. west to S. 35th St.). Seconded by Alderman Olson. On roll call, all voted Aye. Motion carried.   |
| RES. 2004-5771<br>PROPERTY<br>ACQUISITION<br>PHASE I          | E-6.  | Alderman Sohns moved to adopt Resolution No. 2004-5771, A RESOLUTION TO DIRECT THE COMMUNITY DEVELOPMENT AUTHORITY TO DEVELOP A RECOMMENDATION FOR PROPERTY ACQUISITION IN PHASE I OF THE FRANKLIN BUSINESS CENTER DISTRICT, (area approx. just north of W. Rawson Ave., south of W. Plaza Dr. and S. 27th St. west to S. 35th St.). Seconded by Alderman Gardner. Alderman Sohns, seconded by Alderman Olson, moved to call the question. All voted Aye; motion carried.<br><br>On roll call to adopt Resolution No. 2004-5771, Aldermen Olson, Gardner, Kosovich, Sohns and Bergmann voted Aye; Alderman Solomon voted No. Motion carried. |
| RES. 2004-5772<br>SPECIAL USE-<br>THE REDMOND<br>COMPANY      | E-7.  | Alderman Gardner moved to adopt Resolution No. 2004-5772, RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR PROPERTY LOCATED AT 3001 W. Rawson Ave. (The Redmond Company) as amended by the City Engineer and City Attorney. Seconded by Alderman Olson. All voted Aye; motion carried.  |
| ORD. 2004-1816<br>REZONING-<br>KUNAL<br>ENTERPRISE            | E-8.  | Alderman Kosovich moved to adopt Ordinance No. 2004-1816, AN ORDINANCE TO AMEND THE ZONING CODE (MAP), SECTION 15-3.0102 OF THE UNIFIED DEVELOPMENT ORDINANCE TO REZONE TWO PARCELS OF LAND FROM M-1 LIMITED INDUSTRIAL DISTRICT AND B-2 GENERAL BUSINESS DISTRICT TO B-3 COMMUNITY BUSINESS DISTRICT, approx. 5120 W. Ryan Rd. Seconded by Alderman Sohns. All voted Aye; motion carried.   |
| STREET<br>VACATION  | E-9.  | Alderman Olson moved to refer the request by Ms. Lisa Severson for a street vacation in the rear yard of 9518 W. St. Martins Road to the Plan Commission for review and recommendation. Seconded by Alderman Sohns. All voted Aye; motion carried.   |
| PLAN REVIEW<br>FEE WAIVER                                     | E-10. | Alderman Kosovich moved to approve request from St. Paul's Lutheran Church for a waiver of the \$200.00 plan review fees for a 900 square foot storage building. Motion failed due to lack of a second.  |

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| RIVER MEADOWS<br>LETTER OF<br>CREDIT                    | E-11.  | Alderman Kosovich moved to release the Letter of Credit Number SLCMMSP00195 from U.S. Bank for the River Meadows Subdivision as developed by Menards, south of W. Sycamore St. and east of S. 34th St. Seconded by Alderman Olson. All voted Aye; motion carried.  |
| RES. 2004-5773<br>AGREEMENT-<br>PARKLAND<br>ACQUISITION | E-12.  | Alderman Olson moved to table Resolution authorizing officials to execute an agreement with Ruekert-Mielke to update parkland acquisition costs within the City of Franklin for 10 months, Seconded by Alderman Sohns. Alderman Olson withdrew motion and Alderman Sohns withdrew second.  |
| AGREEMENT-<br>PARKLAND<br>ACQUISITION-<br>CONTINUED     |        | Alderman Solomon then moved to adopt Resolution No. 2004-5773, A RESOLUTION AUTHORIZING OFFICIALS TO EXECUTE AN AGREEMENT WITH RUEKERT-MIELKE TO UPDATE PARKLAND ACQUISITION COSTS WITHIN THE CITY OF FRANKLIN as amended by City Attorney. Seconded by Alderman Olson. All voted Aye; motion carried.   |
| 2004 BLOCK<br>GRANT PROJECT<br>MODIFICATION             | E-13.  | Alderman Olson moved to modify the original contract with D.C. Burbach, Inc. and accept their proposal to include the installation of 460' of asphalt walkway at Legend Park at a total cost of \$9,130.00. Seconded by Alderman Sohns. All voted Aye; motion carried.   |
| MUTUAL AID  | E-14.  | Alderman Solomon moved to direct the City Clerk to send a letter to the Village of Hales Corners expressing intent to discontinue Primary Acute Life Support (ALS) Service to the Village of Hales Corners through a 60-day notice of termination of the Emergency Medical Services Agreement. Seconded by Alderman Olson. All voted Aye; motion carried.  |
| ORD. 2004-1817<br>DOG & CAT<br>LICENSE FEES             | E-15.  | Alderman Solomon moved to adopt Ordinance No. 2004-1817, AN ORDINANCE REVISING DOG AND CAT LICENSE FEES. Seconded by Alderman Olson. All voted Aye; motion carried.  |
| RES. 2004-5774<br>TID #2                                | E-16.  | Alderman Olson moved to adopt Resolution No. 2004-5774, RESOLUTION REQUESTING STATE MANDATE WAIVER RELIEF FOR TAX INCREMENTAL FINANCING DISTRICT #2 FOR CONTINUING EXPENDITURES. Seconded by Alderman Solomon. All voted Aye; motion carried.  |
| CODE OF ETHICS  | E-17a. | Alderman Sohns moved to direct City Attorney to return to Common Council in November with revised statement of economic interest and enforcement and report on pending claims regarding the consideration of the repeal of the Code of Ethics in Chapter 36 of the Municipal Code of the City of Franklin, and the dissolution of the Franklin Board of Ethics, whose organization and composition is described at §36-5. of the Municipal Code. Seconded by Alderman Bergmann. All voted Aye; motion carried. |

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| RES. 2004-5775<br>PRE-DISASTER<br>MITIGATION PLAN | E-17b. | Alderman Solomon moved to adopt Resolution No. 2004-5775, A RESOLUTION ADOPTING THE MILWAUKEE COUNTY PRE-DISASTER MITIGATION PLAN BY THE CITY OF FRANKLIN. Seconded by Alderman Bergmann. All voted Aye; motion carried.   |
| CONSULTING<br>CONTRACT                            | E-17c. | Alderman Kosovich moved to direct the Director of Administration to prepare Request For Proposal for use of a consulting contractor for the provision of planning community development services to be presented to 11/8/04 Committee of the Whole, with anticipated participation with the Community Development Director if hired by that date. Seconded by Alderman Gardner. All voted Aye; motion carried.   |
| CROSSROADS<br>TRADE AREA                          | E-17d. | Alderman Olson moved to refer Planning & Design Institute, Inc recommendations contained in the regulating plan for the Crossroads Trade Area (W. Loomis Rd. and STH 100) to Economic Development Commission with consultation with City Attorney to meet with property owners. Seconded by Alderman Sohns. All voted Aye; motion carried.   |
| DEVELOPMENT                                       | E-17e. | No action was required regarding use of petitions to rezone to advance debate and action on community development and redevelopment.   |
| CLAIM   | E-18.  | Alderman Solomon moved to deny the claim of Stanley and Jean Wanta, represented by Badger Mutual Insurance Company, pursuant to Wisconsin Statute 893.80(1g) and direct the City Clerk to send a notice of disallowance of claim, as recommended for denial by Midwest Claims Service. Seconded by Alderman Olson. All voted Aye; motion carried.  |
| LICENSES  | G-1.   | <p>Alderman Gardner moved to grant the following licenses subject to meeting all licensing requirements:</p> <p>Operator License to Mark D. Heft, 8104 S. 77th St. with quarterly review; Jodie L. Keleher, 12200 W. Ryan Rd.; Kenneth J. Kovnesky, 3219 S. 13th St., Milwaukee; Krista J. Benz, 4532 S. 23rd #2, Milwaukee; William L. Piette, 614 Cherry St., South Milwaukee and Karen K. Reega-Danzer, 253 Arrowhead Dr. #5, Mukwonago;</p> <p>Temporary Class B Beer &amp; Wine and Temporary Entertainment &amp; Amusement for St. Martin of Tours Parish &amp; School, Jeanne Johnson, 7933 S. 116th St. for 10/16/04 casino night fundraiser;</p> <p>Fee waivers for Temporary food, soda, Class B Beer &amp; Wine and Entertainment &amp; Amusement for St. Martin of Tours Parish &amp; School, Jeanne Johnson, 7933 S. 116th St. for 10/16/04 casino night fundraiser except services incurred by City staff, Sanitarian, Fire Department and Police Department. Seconded by Alderman Solomon. All voted Aye; motion carried.</p> |

VOUCHERS            H-1.       Alderman Kosovich moved to approve City vouchers in the range of 108292 through 108475 in the amount of \$1,390,537.81. Seconded by Alderman Bergmann. On roll call, all voted Aye; motion carried.

PAYROLL Alderman Olson moved to approve net payroll of October 1, 2004 in the amount of \$276,108.31. Seconded by Alderman Kosovich. On roll call, all voted Aye; motion carried.

ADJOURNMENT        I.       Alderman Kosovich moved to adjourn the Common Council meeting at 9:15 p.m. Seconded by Alderman Gardner. All voted Aye; motion carried.